

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01393-DLF**

FIGUEROA v. DEPARTMENT OF DEFENSE et al
Assigned to: Judge Dabney L. Friedrich
Case: 1:17-cv-01713-DLF
Cause: 05:552 Freedom of Information Act

Date Filed: 06/13/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**ANTONIO FIGUEROA**

represented by **Jason W. Manne**
MANNE LAW OFFICE
P.O. Box 81860
Pittsburgh, PA 15217
(724) 635-5718
Fax: (412) 421-8571
Email: jmanne@lawmanne.com
ATTORNEY TO BE NOTICED

V.

Defendant**DEPARTMENT OF DEFENSE**

represented by **Fred Elmore Haynes**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2550
Email: fred.haynes@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**DEPARTMENT OF THE AIR FORCE**

represented by **Fred Elmore Haynes**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2018	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5531747) filed by Antonio Figueroa. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit Postal Receipt, # <u>3</u> Exhibit FOIA Appeal, # <u>4</u> Exhibit Appeal Response, # <u>5</u> Exhibit Privacy Appeal, # <u>6</u> Exhibit FOIA Appeal Higher, # <u>7</u> Exhibit FOIA Response Final, # <u>8</u> Exhibit PRNG Acknowledgement, # <u>9</u> Civil Cover Sheet, # <u>10</u> Civil Cover Sheet Related Case Form, # <u>11</u> Summons Air force, # <u>12</u> Summons Attorney General, # <u>13</u> Summons Dod)(Manne, Jason) (Entered: 06/13/2018)
06/13/2018	<u>2</u>	ERRATA (<i>Redacting SSN from Exhibit</i>) by Antonio Figueroa <u>1</u> Complaint,, filed by Antonio Figueroa. (Manne, Jason) (Entered: 06/13/2018)
06/13/2018		Case Assigned to Judge Dabney L. Friedrich. (zsth) (Entered: 06/13/2018)
06/13/2018	<u>3</u>	NOTICE OF RELATED CASE by ANTONIO FIGUEROA. Case related to Case No. 17-cv-1713. (zsth) (Entered: 06/13/2018)
06/13/2018	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE to US Attorney for District of Columbia re <u>1</u> Complaint,, filed by ANTONIO FIGUEROA. Related document: <u>1</u> Complaint,, filed by ANTONIO FIGUEROA.(Manne, Jason) (Entered: 06/13/2018)

06/13/2018	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE (<i>Corrected FOIA Summons</i>) re <u>1</u> Complaint,, filed by ANTONIO FIGUEROA. Related document: <u>1</u> Complaint,, filed by ANTONIO FIGUEROA. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Manne, Jason) (Entered: 06/13/2018)
06/18/2018	<u>6</u>	SUMMONS (4) Issued Electronically as to DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE, U.S. Attorney and U.S. Attorney General (jf) (Additional attachment(s) added on 6/18/2018: # <u>1</u> Consent Form) (zjf). (Entered: 06/18/2018)
08/10/2018	<u>7</u>	AMENDED COMPLAINT against DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE filed by ANTONIO FIGUEROA. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H, # <u>9</u> Exhibit Exhibit I, # <u>10</u> Exhibit Exhibit J, # <u>11</u> Exhibit Exhibit K, # <u>12</u> Exhibit Exhibit L)(Manne, Jason) (Entered: 08/10/2018)
08/10/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/23/2018. (Answer due for ALL FEDERAL DEFENDANTS by 8/22/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 07/23/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEPARTMENT OF DEFENSE served on 7/23/2018; DEPARTMENT OF THE AIR FORCE served on 7/23/2018 (Manne, Jason) (Entered: 08/10/2018)
08/22/2018	<u>9</u>	Consent MOTION for Extension of Time to File Answer re <u>7</u> Amended Complaint, by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 08/22/2018)
08/23/2018		MINUTE ORDER granting the defendant's <u>9</u> Motion for Extension of Time to File Answer. It is ORDERED that the defendant shall file its answer on or before August 24, 2018. Signed by Judge Dabney L. Friedrich on August 23, 2018. (lcldf2) (Entered: 08/23/2018)
08/24/2018	<u>10</u>	ANSWER to <u>7</u> Amended Complaint, by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE.(Haynes, Fred) (Entered: 08/24/2018)
08/28/2018	<u>11</u>	MINUTE ORDER requiring the parties to MEET AND CONFER and file a Joint Status Report proposing a schedule for further proceedings. The parties shall file the Joint Status Report no later than September 26, 2018. Signed by Judge Dabney L. Friedrich on August 28, 2018. (lcldf1) (Entered: 08/28/2018)
09/26/2018	<u>12</u>	Consent MOTION for Extension of Time to File <i>the Parties' Joint Status Report</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 09/26/2018)
09/27/2018		MINUTE ORDER granting the defendant's <u>12</u> Consent Motion for One-Week Extension of Time to File Joint Status Report. Accordingly, it is ORDERED that the parties shall file a joint status report on or before October 3, 2018. Signed by Judge Dabney L. Friedrich on September 27, 2018. (lcldf1) (Entered: 09/27/2018)
09/27/2018		Set/Reset Deadlines: Status Report due by 10/3/2018. (jl) (Entered: 09/27/2018)
10/03/2018	<u>13</u>	Consent MOTION for Extension of Time to File <i>the Parties' Joint Status Report</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 10/03/2018)
10/04/2018		MINUTE ORDER granting the defendants' <u>13</u> Consent Motion for a Further One-Week Extension of Time to File Joint Status Report. Accordingly, it is ORDERED that the parties shall file a joint status report on or before October 10, 2018. Signed by Judge Dabney L. Friedrich on October 4, 2018. (lcldf1) (Entered: 10/04/2018)
10/04/2018		Set/Reset Deadlines/Hearings: Status Report due by 10/10/2018. (jl) (Entered: 10/04/2018)

10/10/2018	<u>14</u>	Consent MOTION for Extension of Time to File <i>the Parties' Joint Status Report (to October 17, 2018)</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 10/10/2018)
10/11/2018		MINUTE ORDER granting the defendant's <u>14</u> Consent Motion for a Further One-Week Extension of Time to File Joint Status Report. Accordingly, it is ORDERED that the parties shall file a status report on or before October 17, 2018. Signed by Judge Dabney L. Friedrich on October 11, 2018. (lcldf1) (Entered: 10/11/2018)
10/11/2018		Set/Reset Deadlines/Hearings: Status Report due by 10/17/2018. (jl) (Entered: 10/12/2018)
10/17/2018	<u>15</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE. (Haynes, Fred) (Entered: 10/17/2018)
10/18/2018		MINUTE ORDER adopting the proposal in the parties' <u>15</u> Joint Status Report. Accordingly, it is ORDERED that the parties shall file another joint status report on or before December 17, 2018. Signed by Judge Dabney L. Friedrich on October 18, 2018. (lcldf1) (Entered: 10/18/2018)
12/17/2018	<u>16</u>	STATUS REPORT (<i>by Plaintiff only</i>) by ANTONIO FIGUEROA. (Manne, Jason) (Entered: 12/17/2018)
12/17/2018	<u>17</u>	Consent MOTION for Extension of Time to File <i>the Joint Status Report</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 12/17/2018)
12/18/2018		MINUTE ORDER. The Court has reviewed the plaintiff's <u>16</u> Status Report and the defendants' <u>17</u> Consent Motion for Extension of Time to File the Joint Status Report. This is the defendants' fifth request for an extension of time in this case. The plaintiff has consented to, and the Court has granted, four previous extensions. The plaintiff consented to the instant request as well, but chose to file a separate status report late last evening to avoid missing the deadline set by the Court. In his status report, the plaintiff requests that the Court establish deadlines for the defendants to release all non-privileged documents and to file a motion for summary judgment and Vaughn index. The plaintiff did not propose any particular deadlines but expressed concern with the defendants' failure to provide any records, despite their previous representation that they expected to complete their release of documents by December 10, 2018. See Joint Status Report (October 17, 2018) (defendants planned to make first release of records by November 9, 2018 and believed they could complete production of all records by December 10, 2018). The Court will defer establishing the deadlines requested by the plaintiff until the parties have had an opportunity to meet and confer and to propose a joint briefing schedule and schedule for further proceedings, if necessary. Accordingly, it is ORDERED that the defendants' consent motion is GRANTED. It is FURTHER ORDERED that the parties shall file a joint status report on or before December 21, 2018. The joint status report shall include proposed deadlines by which the defendants must complete their release of documents and file a Vaughn index and any dispositive motions. Further requests for extensions by the defendants will not be granted. Signed by Judge Dabney L. Friedrich on December 18, 2018. (lcldf1) (Entered: 12/18/2018)
12/18/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 12/21/2018. (jl) (Entered: 12/18/2018)
12/21/2018	<u>18</u>	Joint STATUS REPORT by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE. (Haynes, Fred) (Entered: 12/21/2018)
12/22/2018		MINUTE ORDER adopting the proposal in the parties' <u>18</u> Joint Status Report. Accordingly, it is ORDERED that (1) the defendants shall complete their production to the plaintiff of records responsive to his FOIA request that can be released in whole or in part on or before March 29, 2019, (2) the defendants shall file their motion for summary judgment on or before March 29, 2018, (3) the plaintiff will file his opposition, if any, on or before April 30, 2019, and (4) the defendants shall file their reply, if any, on or before May 15, 2019. Signed by Judge Dabney L. Friedrich on December 22, 2018. (lcldf1) (Entered: 12/22/2018)

03/29/2019	<u>19</u>	Consent MOTION for Extension of Time to File <i>Defendants' Motion for Summary Judgment</i> by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Haynes, Fred) (Entered: 03/29/2019)
03/29/2019	<u>20</u>	RESPONSE re <u>19</u> Consent MOTION for Extension of Time to File <i>Defendants' Motion for Summary Judgment (Indicating lack of consent due to non-compliant proposed order)</i> filed by ANTONIO FIGUEROA. (Manne, Jason) (Entered: 03/29/2019)
04/01/2019		MINUTE ORDER granting the defendants' <u>19</u> Motion for Extension of Time to File. Accordingly, it is ORDERED that (1) the defendants shall file their summary judgment motion on or before April 12, 2019, (2) the plaintiff shall file his opposition, if any, on or before May 14, 2019, and (3) the defendants shall file their reply, if any, on or before May 29, 2019. Further requests for extensions by the defendants will not be granted. Signed by Judge Dabney L. Friedrich on April 1, 2019. (lcldf1) (Entered: 04/01/2019)
04/01/2019		Set/Reset Deadlines/Hearings: Defendants' Summary Judgment motion due by 4/12/2019. Response to Motion for Summary Judgment due by 5/14/2019. Reply to Motion for Summary Judgment due by 5/29/2019. (zcdw) (Entered: 04/01/2019)
04/12/2019	<u>21</u>	MOTION for Summary Judgment by DEPARTMENT OF DEFENSE, DEPARTMENT OF THE AIR FORCE (Attachments: # <u>1</u> Exhibit A – Gonzalez Declaration, # <u>2</u> Exhibit B – O'Connor Declaration)(Haynes, Fred) (Entered: 04/12/2019)